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**UNITED STATES DISTRICT COURT**

**LAS VEGAS, NEVADA**

T. MATTHEW PHILLIPS, Next Friend of  
D.M.P., a Minor

Plaintiff,

v.

VINCENT OCHOA, STEVE WOLFSON,  
JON NORHEIM, GERARD COSTANTIAN,  
AMBER KORPAK, CLARK COUNTY,  
EIGHTH JUDICIAL DISTRICT COURT

Defendants.

Case No. 2:22-cv-02086-RFB-BNW

**JOINT STIPULATION TO STAY  
DISCOVERY PENDING  
RESOLUTION OF MOTIONS TO  
DISMISS**

Pursuant to Local Rules LR 7-1 and IA 6-2, Plaintiff T. Matthew Phillips and Defendants Vincent Ochoa, Jon Norheim, the Eighth Judicial District Court, Steve Wolfson, Gerard Costantian, Amber Korpak, and Clark County, hereby stipulate and agree to stay discovery, including initial disclosures, and a discovery plan and scheduling order, in this case pending resolution of Defendants' motions to dismiss (ECF Nos. 7, 8, and 12).

The parties submit that good cause exists for this stipulation to be granted under applicable law. Courts in the District of Nevada apply a two-part test when evaluating whether a discovery stay should be imposed. *TradeBay, LLC v. Ebay, Inc.*, 278 F.R.D. 597, 600 (D. Nev. 2011) (citations omitted). First, the pending motion must be potentially dispositive of the entire case or at least the issue on which discovery is sought. *Id.* Second, the court must determine whether the pending motion to dismiss can be decided without additional discovery. *Id.* When applying this test, the court must take a "preliminary peek" at the merits of the pending dispositive motion to assess whether a stay is warranted. *Id.*

The purpose of the “preliminary peek” is not to prejudge the outcome of the motion to dismiss. Rather, the court's role is to evaluate the propriety of an order staying or limiting discovery with the goal of accomplishing the objectives of Rule 1.

Defendants filed motions to dismiss premised on immunity (absolute judicial, quasi-judicial, Eleventh Amendment), subject-matter jurisdiction under the *Rooker-Feldman*<sup>1</sup> doctrine, claim preclusion, and failure to state claims upon which relief could be granted. While Plaintiff disagrees on the merits of Defendants’ motions (*see* ECF Nos. 9, 14, 19), the parties agree that the motions may be potentially dispositive of this case and can be decided without discovery.

Counsel for the parties conferred on discovery obligations on April 3<sup>rd</sup> and 5<sup>th</sup>, 2023 before submitting this stipulation.

DATED this \_\_\_\_\_ day of April, 2023.

STEVEN B. WOLFSON

/s/ Scott R. Davis  
 Scott R. Davis (10019)  
 Stephanie A. Mazzei (11648)  
 500 S. Grand Central Pkwy., Suite 5075  
 Las Vegas, NV 89155-2215  
 Attorneys for Steve Wolfson, Gerard  
 Costantian, and Clark County

DATED this \_\_\_\_\_ day of April, 2023.

HUTCHINSON & STEFFEN

/s/ Shannon R. Wilson  
 Shannon R. Wilson (9933)  
 Todd W. Prall (9154)  
 10080 West Alta Drive, Suite 200  
 Las Vegas, NV 89145  
 Attorneys for Amber Korpak

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### **ORDER**

/// IT IS ORDERED that ECF No. 23 is GRANTED.

/// IT IS FURTHER ORDERED that, if necessary, the parties are to file a proposed Discovery Plan and Scheduling Order 14 days after the motions to dismiss are decided.

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IT IS SO ORDERED

DATED: 1:55 pm, April 10, 2023

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BRENDA WEKSLER  
 UNITED STATES MAGISTRATE JUDGE

<sup>1</sup> *Rooker v. Fidelity Trust Co.*, 263 U.S. 413 (1923); *D.C. Court of Appeals v. Feldman*, 460 U.S. 462 (1983).